

# Strategic Arms Reduction Treaty

Special Right of Access Visits (SAVs)  
and Other Questions Facing  
the U.S. Defense Industry

Order No. 206P



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## INTRODUCTION

The Strategic Arms Reduction Treaty (START) entered into force on December 5, 1994, following more than 20 years of negotiations between the United States, the former Soviet Union (FSU), and its successor States. The primary purpose of the START Treaty was to lower the risk of nuclear war by reducing and limiting each Party's strategic offensive arms. On December 5, 2001, the Treaty's central limits of 1,600 deployed launchers and 6,000 warheads were successfully reached. Although the START Treaty has reached full "maturity," the United States and the FSU successor States continue to maintain their annual on-site inspection verification quotas as they embark on treaty year 10.

There also still exists an intrusive verification provision called a visit with a special right of access—referred to as a "SAV". The purpose of a SAV is to resolve urgent concerns about Treaty compliance ("ambiguities") that cannot be effectively addressed through other verification provisions of the Treaty. Although the SAV option has never been exercised by any Treaty Party, and the probability of such a visit occurring at a U.S. facility remains low, a SAV could occur at any U.S. production facility—whether government, military, or private industry.

This pamphlet provides answers to many questions and concerns facility representatives have about the potential impact of a SAV—such as the level of access foreign inspection teams would be permitted to have at their facility and the types of assistance they could expect from the U.S. Government and the Department of Defense (DoD). Answers to these and other important questions often asked by defense contractors and industry representatives, combined with cost-free assistance, can help to reduce any adverse effects potentially associated with START inspections. Remember: *information can be a powerful security countermeasure*.

This pamphlet is part of a series about the Strategic Arms Reduction Treaty (START) and its potential security impact on DoD facilities. It was prepared by the Defense Treaty Inspection Readiness Program (DTIRP) to increase **Readiness Through Awareness** within the U.S. Government and defense contractor community. Additional copies of this pamphlet, as well as other information about arms control treaties and the application of security countermeasures, are available through the DTIRP Outreach Program.

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# Questions:

## WHAT TYPES OF FACILITIES ARE SUBJECT TO INSPECTION UNDER START?

The START Treaty obligates the United States to declare facilities directly involved in the production, storage, testing, evaluation, and deployment of long-range bombers, cruise missiles, intercontinental ballistic missiles, and submarine-launched ballistic missiles. All of these *declared* facilities are subject to inspection.

In addition, some *non-declared* facilities could be subject to START inspections. These include manufacturing facilities capable of making inspectable components for bombers or missiles. Even small subcontractor facilities—those having only a few hundred employees—could be subject to inspection.

## IF A FACILITY IS NOT INVOLVED WITH STRATEGIC NUCLEAR WEAPONS SYSTEMS AND IS NOT A DECLARED FACILITY, IS IT STILL SUSCEPTIBLE TO A SAV?

Yes. Under START provisions, one or more of the Signatories (Belarus, Kazakhstan, Russia, Ukraine, and the United States) may request a special session of the Joint Compliance and Inspection Commission (JCIC)—the Treaty’s implementation body<sup>1</sup>—and request a SAV for the purpose of resolving a compliance concern at any facility located on the territory of another Signatory. The United States has seven days to respond to a request for a special JCIC session. The United States may also seek clarification of the compliance concern and propose a specific method for resolving the matter.

Even if the JCIC special session is held, a SAV is only one possible outcome for resolving a specific compliance concern. If the requesting Party’s concern can be satisfied by another means, a SAV may be unnecessary, or may not be accepted. The United States has the “right of refusal” for any SAV request.

The Treaty does not limit the number or type of START-related facilities at which a SAV could be requested. However, the most susceptible facilities would be those suspected of conducting activities related to strategic systems limited under START. A facility could be susceptible to a SAV, for example, if it produces, tests, assembles, or maintains comparable START systems, or if there is a reasonable suspicion of such activities.

<sup>1</sup>The JCIC is made up of representatives from each of the five Signatories and is the treaty-designated forum for handling compliance concerns and other treaty issues.

## HOW DO SAVs DIFFER FROM OTHER TYPES OF START INSPECTIONS?

Perhaps the most significant difference is that the United States can choose not to accept a proposed SAV. This may be the case if the compliance concern is deemed to be frivolous; if there are serious national security ramifications; or if there are other methods by which the compliance concern can be resolved. Another important difference is that SAVs are not restricted to declared locations, nor are they subject to quotas, as are other START inspections. In addition, there are no specific, predefined procedures for conducting a SAV. Consequently, the parameters for each visit (size of the inspection team, the equipment to be permitted, the amount of time on site, and the locations to be visited) are negotiated either by mutual agreement between the United States and the requesting State Party, or at a special session of the JCIC.

## HOW WILL COMMERCIAL FACILITIES AFFECTED BY A SAV REQUEST BE NOTIFIED?

Concurrent with the receipt of a SAV request, the DoD START Compliance Review Group (CRG), a special DoD body created to ensure compliance with the START Treaty, will convene and review the request. Facility notification will occur almost immediately after this group's initial meeting. A senior U.S. Government official will call the Chief Executive Officer or other high-ranking facility representative to notify them of the visit request and to discuss how the United States will prepare to respond. They will also discuss how the U.S. Government will be able to assist the facility in assessing the compliance concern and preparing for a possible visit. After this verbal notification, written confirmation of the SAV request will be provided to the facility by fax or government courier.

## WHAT ASSISTANCE WILL THE U.S. GOVERNMENT PROVIDE TO HELP A FACILITY PREPARE FOR A SAV?

Depending on the decisions reached by the CRG, a quick-reaction DoD Site Assessment Team (SAT) could be sent to the facility within 24 hours of the initial SAV request. The SAT team's mission will be to work closely with facility personnel to compile the information needed to assist the DoD recommendation process. DoD's recommendation will focus on alternate methods for resolving the expressed compliance concern and on the potential impacts a SAV would have on the facility.

SAT teams are composed of experts from DoD, the Defense Threat Reduction Agency (DTRA), the Military Services, and the Defense Treaty Inspection Readiness Program (DTIRP). The team provides expertise in U.S. policy, acquisition, treaty implementation, physical security, operations and information security, counterintelligence, and security countermeasures. In order to properly assess the facility, the SAT team will work closely with facility program and security managers.

In the event the U.S. Government grants a SAV request, DoD will likely send a Site Preparation Team to help facility personnel prepare for the impending visit. Similar to the SAT team, the Site Preparation Team includes additional experts, such as technology transfer specialists, and will help the facility manage visit-related activities, make logistical arrangements, conduct escort operations, and carry out public affairs duties. DTIRP representatives may assist the facility in developing and recommending appropriate cost-effective security countermeasures. However, the facility and its DoD sponsor will ultimately determine which measures should be implemented.

The goal of all government assistance is to reduce the impact a SAV would have on facility operations and to aid the facility in protecting national security, confidential business, and other sensitive information.

## WHAT RESPONSIBILITY DOES A FACILITY HAVE IN RESPONDING TO A SAV REQUEST? CAN IT REFUSE TO PERMIT THE SAV?

Only the U.S. Government can refuse a request for a SAV at a facility on U.S. territory. The U.S. Government is responsible for demonstrating full compliance with the Treaty and for demonstrating that no prohibited activities are occurring at the facility. The facility's role is to work closely with government representatives to compile relevant information about the facility during the important site assessment phase. To be successful, the government and the facility must make use of the short time available to collect the information needed to determine whether or not the United States will grant the SAV request.

The SAT team, with the help of facility representatives, will be looking for alternative ways of resolving the compliance concern other than granting a SAV. Facility representatives can be of great assistance during this phase by explaining the facility's programs and operations, and by recommending areas of the facility that should not be visited due to national security or proprietary reasons.



## HOW WILL THE DECISION TO GRANT OR REFUSE THE SAV REQUEST BE MADE?

At the end of the site assessment phase, the SAT team will compile its recommendations and prepare a two-part report. The first part will present the team's recommendations for resolving the compliance concern by means other than a SAV. This will be the optimum solution. The second part of the report will be based on the premise that a visit is necessary to resolve the compliance concern, and will recommend visit parameters such as the date and duration of the visit, how to host the visit, what briefings are to be presented, what areas are to be visited, and the number of visitors and types of equipment to be allowed. Cooperation and input from the facility will be essential to developing both components of this report.

The report is submitted to DoD within 96 hours after the SAV request is received. DoD will then review the recommendations, after which the U.S. Government will decide how to respond to the SAV request. Regardless of whether a SAV is denied or granted, the affected facility will be notified immediately of the U.S. Government's decision.

## ASSUMING THE U.S. GOVERNMENT GRANTS THE SAV REQUEST, HOW MUCH TIME WILL AFFECTED FACILITIES HAVE TO PREPARE?

Assuming the maximum time permitted to respond to a SAV request and to negotiate visit parameters, the time from an initial request to the actual visit will likely be more than 30 days. As the SAT team works with the facility to develop recommendations for its site assessment report, site preparation issues requiring significant time or special consideration will be identified. The Site Preparation Team will work with the facility to accommodate any special preparation requirements and to ensure that the facility is ready prior to the arrival of the foreign inspectors. However, affected facilities have the ultimate responsibility for these preparations and for protecting sensitive information.

## WHAT RESOURCES WILL A FACILITY NEED TO MAKE AVAILABLE TO PREPARE FOR AND RECEIVE A SAV? WHO WILL BEAR THE COSTS OF PROVIDING THEM?

Facilities will be asked to provide support to the SAT team, the Site Preparation Team, and the foreign inspection team. The facility should be prepared to identify individuals who are extremely knowledgeable about the facility and to make these individuals available during the entire SAV process. Appropriate staff might include specialists in the facility's physical layout, operations management, and safety procedures. The facility should also be prepared to provide documentation such as detailed maps, building operations' guides, and work schedules.

During the foreign inspection team's visit, the facility should make space available for the team's work. The facility should also provide communications and office equipment. It may also need to provide information on nearby lodging and meals, transportation, security, and medical services.

DoD typically budgets funds for use during START SAV visits at DoD-sponsored sites. However, allocation of funds is solely at DoD's discretion and will be determined on a case-by-case basis.

## CAN A FACILITY DENY ACCESS TO U.S. GOVERNMENT OR CONTRACTOR PERSONNEL DURING SAV PREPARATION ACTIVITIES?

The legal aspects of this issue have yet to be resolved. However, if a facility is the subject of a compliance concern, denial of facility access to responsible U.S. Government personnel with the mission and the expertise to deal with a SAV is not in the facility's interest.

Compliance concerns can only be resolved through a cooperative working relationship between the U.S. Government and the suspect facility. A positive working relationship built on partnership and mutual cooperation will ensure that the United States has done everything possible to demonstrate compliance.

Since DoD and the Military Services make extensive use of contractor personnel, it is likely that some non-government personnel will assist in SAV inspection procedures. Non-disclosure agreements can be used to protect sensitive information, when necessary.



## WHAT MEASURES MIGHT A FACILITY USE TO PROTECT SENSITIVE INFORMATION DURING A SAV?

If facility security concerns are made known to U.S. Government representatives early in the assessment process, procedures to facilitate the protection of sensitive items can be negotiated by U.S. representatives working at the JCIC, or with the requesting signatory state. If, for example, facility representatives are concerned about the possible revelation of a proprietary process, procedures could be negotiated to permit the visit to occur only when the process is not observable. This technique could also be employed to minimize the impact of a SAV on production lines. A number of additional protective measures could be implemented to safeguard sensitive information during a SAV. DoD, DTRA, DTIRP, and Site Preparation Team personnel are experts in treaty implementation procedures and in the application of security countermeasures. These experts will be available to respond to and advise facility representatives on how to demonstrate treaty compliance without compromising sensitive information.

## SHOULD A FACILITY ALERT ITS U.S. GOVERNMENT AND PRIVATE CUSTOMERS OF AN IMPENDING SAV?

It may be advisable for a facility to alert its government and private customers. If a customer's contract is the subject of the compliance concern, for example, the customer may have information useful for addressing the compliance concern during the site assessment process. The protection of national security and confidential business information may also require the customer's cooperation and assistance. Currently, there is no official U.S. Government policy on whether a facility should notify its customers of an impending SAV.

## WHO, AND HOW MANY PEOPLE, WILL BE ON A SAV TEAM? HOW LONG WILL THEY BE ON SITE?

These questions are open to negotiation, which is one reason why SAVs are unique among START inspections. The SAV team will consist of inspectors from any or all of the United States' START treaty partners—Belarus, Kazakhstan, Russia, and Ukraine. Specific guidelines governing team size and its length of stay at the facility will be negotiated between the United States and the requesting party, or during a special session of the JCIC. It is highly unlikely that the United States would permit an excessive number of inspectors to conduct a visit of unreasonable length at any U.S. facility. All other procedures for the visit will also be determined at the JCIC. These include visitors' rights, taking measurements, and the size criteria for access.

The SAT team's report, developed in conjunction with facility personnel during the site assessment phase, will contain procedural recommendations for the U.S. negotiators. These recommendations are designed to serve the best interests of the facility and the U.S. Government in resolving the compliance concern.

## WHAT ACTIVITIES WILL SAV TEAM MEMBERS BE PERMITTED TO ENGAGE IN DURING A SAV? WILL A FACILITY NEED TO SUSPEND ITS OPERATIONS DURING A SAV?

As mentioned earlier, the START treaty does not specify procedures for SAVs. Instead, access rights and other procedures will be negotiated on a case-by-case basis either between the United States and the requesting Signatory, or in a special session of the JCIC. Possible procedures subject to negotiation include those for weighing and measuring relevant items, as well as those for visiting buildings linked to the compliance concern.

If a particular facility operation is identified by the SAT team as one that could inadvertently reveal sensitive information during a SAV, that operation may need to be suspended during the visit. However, suspension of operations is only one option. The SAT team and the Site Preparation Team will work with facility representatives to determine whether alternative means can be used. For example, it may be possible to conduct the SAV in such a manner that the sensitive operation will be excluded, or it may be possible to conduct the SAV at a time when the sensitive operation is normally suspended.

The SAT team will be cognizant of the potential impact a SAV could have on facility operations and will be prepared to cooperate with facility representatives to develop effective and reasonable solutions. Their goal will be to safeguard sensitive information and avoid interfering with facility operations to the fullest extent possible.

## WHAT TYPES OF EQUIPMENT, IF ANY, WILL THE SAV INSPECTORS BE PERMITTED TO BRING AND USE DURING A SAV?

The particular equipment to be used at a facility during a SAV will be one of the subjects of negotiation between the United States and the requesting Signatory, or of a special session of the JCIC. The nature of the compliance concern is one factor that will certainly be considered in determining what equipment will be permitted. As a general rule, SAV equipment will likely be based on the list of approved equipment contained in the Treaty's Inspection Protocol. Examples of such equipment include: measuring tapes, plumb bobs, cameras, and flashlights.

The JCIC should also establish equipment inspection procedures specifically for START SAVs. However, precedent is a good indicator that the United States will negotiate technical inspection of any equipment used by the inspection team and will have access to the results of any readings or measurements.

Again, the SAT team will work with facility representatives to develop recommendations for appropriate inspection equipment to resolve the compliance concern and to protect the interests of the facility.

## WHO WILL HANDLE PUBLIC AFFAIRS ISSUES AND COMMUNITY CONCERNS DURING A SAV?

The U.S. Government and DoD will provide public affairs guidance concerning a SAV and will work with the facility to provide necessary assistance for press releases and community relations concerns. The Site Preparation Team will ensure that facility concerns are considered and incorporated into the handling of public affairs issues. Local and national media will not be permitted to accompany the inspection team during a facility visit.

## **WHO WILL HAVE ACCESS TO ANY REPORTS AND FINDINGS RESULTING FROM A SAV? CAN THE VISITED FACILITY RECEIVE COPIES?**

Each facility subject to a SAV will be advised of the outcome of the visit; that is, whether or not the visit alleviated the original compliance concern. The facility may request copies of the report, subject to treaty-imposed restrictions, from DoD.

## **ARE THERE ANY STEPS FACILITIES CAN TAKE TO PREPARE FOR A POSSIBLE SAV—WITHOUT EXPENDING UNNECESSARY RESOURCES?**

Yes. The first and most important step is to be aware of the potential for SAVs and to keep up to date about START implementation. Materials for this purpose can be obtained by contacting the DTIRP Program Coordinator at 1-800-419-2899, or by visiting the DTIRP website at <http://dtirp.dtra.mil>. It is also important to think through the inspection process and determine how it could affect your facility. Review your facility's current procedures for hosting visitors. Query your customers concerning their programs and any guidance they may have received regarding SAVs. Finally, if your facility has a high risk for a START SAV, based on the profile and visibility of activities conducted at your facility, consider conducting a more substantive assessment.

## CONCLUSION

This pamphlet answered questions of interest to U.S. defense industry facilities in the unlikely event of a START SAV request. In addition, the pamphlet described the assistance available to help facilities protect sensitive information. The following are several important things to remember about START inspections:

- While the probability is low, a non-declared facility could be subject to a visit with special right of access (SAV).
- With the support and assistance of facility representatives, negotiated inspection procedures can be developed and employed to minimize the impact of a SAV.
- The U.S. Government is ready to support defense industry facilities in preparing for and receiving START inspections.

To obtain additional information about START or other arms control treaties potentially affecting your facility, and the application of appropriate security countermeasures, contact the DTIRP Outreach Program Coordinator at 1-800-419-2899, your local Defense Security Service (DSS) Industrial Security Representative, or your government sponsor. Also see the list of related DTIRP products beginning on the next page.

## RELATED MATERIALS

201B Visits with Special Right of Access under the Strategic Arms Reduction Treaty

**Bulletin**

202P Strategic Arms Reduction Treaty—The Impact  
**Pamphlet**

204V Strategic Arms Reduction Treaty—The Impact  
**Video**

205A Foreign Inspectors—At My Facility?  
**Article**

407C Arms Control Treaties Information  
**CD-ROM**

408P Arms Control Agreements Synopses  
**Pamphlet**

410P Quick Reference Guide to Arms Control Inspection Timelines  
**Pamphlet**

413A Arms Control Developments: Weapons of Mass Destruction  
**Article**

906B Transparency During Arms Control Inspections  
**Bulletin**

907P DTIRP Arms Control Outreach Catalog  
**Pamphlet**

908V Facility Protection Through Shrouding  
**Video**

930C The Arms Control OPSEC Process  
**Automated CD-ROM**

936V Verification Provisions—Point and Counterpoint  
**Video**

942C DTIRP Outreach Products on CD  
**CD-ROM**

950V The Technical Equipment Inspection (TEI) Process  
**Video**

954T Why TEI?  
**Trifold Brochure**

